

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

JOHN WNUK

Case:2:10-mj-30339

Judge: Unassigned,

Filed: 08-12-2010 At 09:50 AM

CMP: John Wnuk (jj)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 13, 2010 in the county of Macomb in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

Title 18, United States Code, Section 2252A(a)(5)
(B)

Possession of Child Pornography

This criminal complaint is based on these facts:

On or about April 13, 2010, John Wnuk possessed images of real children engaged in sexually explicit conduct. The children were minors and the images were stored on CD-ROMs which traveled through interstate or foreign commerce. SEE ALSO ATTACHED AFFIDAVIT.

☒ Continued on the attached sheet.



Complainant's signature

Special Agent Louis R. Fischetti, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: August 12, 2010 @

City and state: Detroit, Michigan



Judge's signature

United States Magistrate Virginia M. Morgan

Printed name and title

AFFIDAVIT

I, Louis R. Fischetti, being duly sworn, state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI), United States Department of Justice, and have been so employed for over eighteen (18) years. In that time I have been assigned to investigate numerous cases involving the criminal violation of federal law. I am currently assigned to the FBI's Macomb County Resident Agency (MCRA). Among my areas of responsibility are cases involving the investigation of child pornography, including the possession of child pornography. In connection with my official duties, I have been assigned the investigation of an individual named JOHN WNUK.

2. The statements contained within this affidavit are based upon my training and experience and on information provided to me by other Agents of the FBI and other law enforcement officers. I have not included every fact known by me resulting from this investigation, rather, only a summary of the probable cause necessary for obtaining an arrest warrant. I believe the facts contained herein will establish that JOHN WNUK was in possession of child pornography.

I. DETAILS OF INVESTIGATION

3. On April 13, 2010, your Affiant and other Agents of the FBI, and others, executed a federal search warrant at the offices and manufacturing plant of DAVALOR MOLD CORPORATION (DMC), located at 46480 Continental Drive, Chesterfield, Michigan, relative to an on-going corporate fraud investigation. The affidavit requesting that a search warrant be issued was written by SA Jeffrey J. Eberle of the MCRA and was authorized by United States Magistrate Judge Mark A. Randon on April 12, 2010.

4. During the execution of the search warrant at DMC on April 13, 2010, Agents of the FBI located a 6 inch by 9 inch (approximate measurement) manila envelope in a soft-sided computer-type carrying case which was sitting on a desk used solely and exclusively by DMC Sales/Engineering Manager, JOHN WNUK. Said soft-sided computer-type carrying case and desk were both located in WNUK'S office on the second floor at DMC.

5. Discovered inside the manila envelope was one half of a white business-type envelope, pre-printed with DMC's return address, which contained sixteen (16) color photographs, (several were actually copies of the same photograph). Each of the photographs were printed on Kodak paper and were of females, at least two of whom appeared to be teenagers, in various stages of undress, including complete nudity. Three (3) of the photographs show sexual intercourse between a male and a female.

6. Also located within the manila envelope were three (3) CD-R compact discs. Based on the proximity of the Kodak pictures and the CD-R compact discs, an on-scene cursory review of the CD-R compact discs was conducted by FBI Computer Analysis Response Team (CART) SA Matthew Zentz. Photographs of nude, teenage females were observed.

7. The FBI Agents searching WNUK'S office area and desk found an additional six (6) CD-R compact discs located within WNUK'S desk, each individually protected within their own plastic case or a Ziploc-type plastic bag, and five (5) additional CD-R compact discs which were contained within a zippered "Turbo 2-N-1 Grips" compact disc carrying case.

8. An on-scene cursory review of these CD-R compact discs was conducted by CART SA Matthew Zentz. Again, photographs of nude, teenage females were observed, as were photographs of nude, prepubescent females.

9. A forensic review of the fourteen (14) CD-R compact discs seized from WNUK'S office was completed by FBI CART Examiner SA Zentz at the Detroit Field Office of the FBI in Detroit, Michigan. Results of the forensic review identified numerous child pornography photographs stored on the CD-R compact discs.

10. Your Affiant has reviewed several of these images and, based on my training and experience, as well as my understanding of the Federal definition of child pornography under Title 18, United States Code, Section 2256, Affiant believes the images portray a real child or children engaged in the lascivious exhibition of their genital area. A description of several of the images your Affiant has reviewed is as follows:

A. One photograph depicts a nude, white female laying on her back, on the floor, with her genitalia exposed. This female is approximately twelve (12) to fourteen (14) years old.

B. One photograph depicts a nude, white female laying on her side, on the floor, with her genitalia exposed. This female is approximately twelve (12) to fourteen (14) years old.

C. One photograph depicts a nude, white female on her hands and knees on the floor with her backside exposed. This female is approximately twelve (12) to fourteen (14) years old.

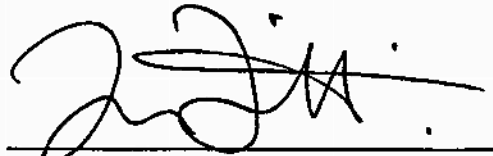
D. One photograph depicts a nude, white female sitting on the floor with her legs spread, exposing her genitalia. This female is approximately twelve (12) to fourteen (14) years old.

E. One photograph depicts two nude, white females embracing while laying on the floor, each with their genitalia exposed. These females are approximately twelve (12) to fourteen (14) years old.

11. Your affiant knows, based on investigation and on information provided to me by other Agents of the FBI, that CD-R compact discs are manufactured outside of the State of Michigan, and must travel in interstate commerce in order to be possessed within Michigan.

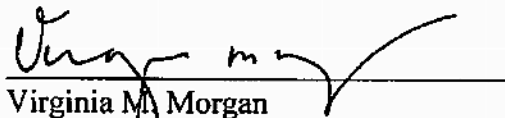
II. CONCLUSION

12. Based on the aforementioned facts, your affiant believes probable cause exists for, and respectfully requests that, a U.S. District Court Complaint and Arrest Warrant be issued for JOHN WNUK, charging him with Possession of Child Pornography, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).



Louis R. Fischetti
Federal Bureau of Investigation
Detroit, Michigan

Sworn to before me, and subscribed in
my presence, this 12th day of August, 2010.


Virginia M. Morgan
United States Magistrate Judge